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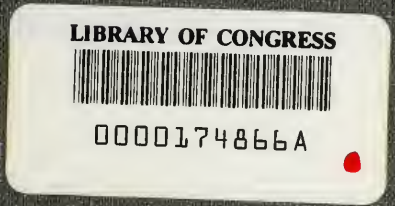

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# THE

# USURPATION.

From the Atlantic Monthly, October, 1866.

Geo S. Boutwell.

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# THE USURPATION.

(*From the "Atlantic Monthly," Oct.* 1866.)

THERE are three passions to which public men are especially exposed,—fear, hatred, and ambition. Mr. Johnson is the victim and slave of all; and, unhappily for himself, and unfortunately for the country, there is no ground for hope that he will ever free himself from their malign influence.

It is a common report, and a common report founded upon the statements of those best acquainted with the President, that he lives in continual fear of personal harm, and that he anticipates hostile Congressional action in an attempt to impeach him and deprive him of his office. He best of all men knows whether he is justly liable to impeachment; and he ought to know that Congress cannot proceed to impeach him, unless the offences or misdemeanors charged and proved are of such gravity as to justify the proceeding in the eyes of the country and the world.

There is nothing vindictive or harsh in the American character. The forbearance of the American people is a subject of wonder, if it is not a theme for encomium. They have assented to the pardon of many of the most prominent Rebels; they have seen the authors of the war restored to citizenship, to the possession of their property, and even to the enjoyment of patronage and power in the government; and finally, they have been compelled, through the policy of the President, to submit to the dictation, and in some sense to the control, of the men whom they so recently met and vanquished upon the field of battle. The testimony of Alexander H. Stephens everywhere suggests, and in many particulars exactly expresses, the policy of the President.

Mr. Stephens asserts that the States recently in rebellion were always entitled to representation in the Congress of the United States; and Mr. Johnson must accept the same position; for, if the right were once lost, it is impossible to suggest how or when it was regained. It is also known that, while the Johnston-Sherman negotiations were pending, Mr. Davis received written opinions from two or more persons who were then with him, and acting as members of his Cabinet, upon the very question in dispute between Congress and Mr. Johnson,—the rights of the then rebellious States in the government of the United States. These opinions set up and maintained the doctrine that the Rebel States would be at once entitled to representation in the government of the country, upon the ratification or adoption of the pending negotiations. It may not be just to say that the President borrowed his policy from Richmond; but it is both just and true

to say that the leaders of the Rebellion have been incapable of suggesting a public policy more advantageous to themselves than that which he has adopted. The President knows that the people have been quiet and impartial observers of these proceedings; that the House of Representatives has never in public session, nor in any of its caucuses or committees, considered or proposed any measure looking to his impeachment.

The grounds of his fear are known only to himself; but its existence exerts a controlling influence over his private and public conduct.

Associated with this fear, and probably springing from it, is an intense hatred of nearly all the recognized leaders of the party by which he was nominated and elected to office. Evidence upon this point is not needed. He has exhibited it in a manner and to a degree more uncomfortable to his friends than to his enemies, in nearly every speech that he has made, commencing with that delivered on the 22d of February last.

Superadded to these passions, which promise so much of woe to Mr. Johnson and to the country, is an inordinate, unscrupulous, and unreasoning ambition. To one theme the President is always constant,—to one idea he is always true,—"He has filled every office, from that of alderman of a village to the Presidency of the United States." He does not forget, nor does he permit the world to forget, this fact. In some form of language, and in nearly every speech, he assures his countrymen that he either is, or ought to be, satisfied with this measure of success. But have not his own reflections, or some over-kind friend, suggested that he has never been elected President of the United States? and that there yet remains the attainment of this one object of ambition?

Inauguration day, 1865, will be regarded as one of the saddest days in American annals. We pass over its incidents; but it was fraught with an evil suggestion to our enemies, and it must have been followed by a firm conviction in the mind of Mr. Johnson that he could not thereafter enjoy the confidence of the mass of the Republican party of the country. He foresaw that they would abandon him, and he therefore made hot haste to abandon them. And, indeed, it must be confessed that there was scarcely more inconsistency in that course on his part, than there would have been in continuing his connection with the men who had elected him. His nomination for the Vice-Presidency was an enthusiastic tribute to his Union sentiments; beyond a knowledge of those, the Convention neither had nor desired to have any information. Mr. Johnson was and is a Union man; but he was not an anti-slavery man upon principle. He was a Southern State-Rights man. He looked upon the national government as a necessity, and the exercise of any powers on its part as a danger. His political training was peculiar. He had carried on a long war with slaveholders, but he had never made war upon slavery. He belonged to the poor white class. In his own language he was a plebeian. The slaveholders were the patricians. He desired that all the white men of Tennessee, especially, and of the whole South, should be of one class,—all slaveholders,—all patricians, if that were possible; and he himself, for a time, became one. Failing in this, he was satisfied when all became non-slave-

holders, and the patrician class ceased to exist. Hence, as far as Mr. Johnson's opinions and purposes are concerned, the war has accomplished everything for which it was undertaken. The Union has been preserved, and the patrician class has been broken down.

Naturally, Mr. Johnson is satisfied. On the one hand he has no sympathy with the opinion that the negro is a man and ought to be a citizen, and that he should be endowed with the rights of a man and a citizen; and, on the other hand, he shares not in the desire of the North to limit the representation of the South so that there shall be equality among the white men of the country. He is anxious rather to increase the political strength of the South. He fears the growing power of the North. The same apprehension which drove Calhoun into nullification, and Davis, Stephens, and others into rebellion and civil war, now impels Mr. Johnson to urge the country to adopt his policy, which secures to the old slave-holding States an eighth of the political power of the nation, to which they have no just title whatever. To the North this is a more flagrant political injustice than was even the institution of slavery. He once expressed equal hostility towards Massachusetts and South Carolina, and desired that they should be cut off from the main land and lashed together in the wide ocean. The President appears to be reconciled to South Carolina; but if the hostility he once entertained to the two States had been laid upon Massachusetts alone, he ought to have felt his vengeance satisfied when her representatives entered the Philadelphia Convention arm in arm with the representatives of South Carolina, assuming only, what is not true, that the sentiment of Massachusetts was represented in that Convention. As a perfect illustration of the President's policy, two men from Massachusetts should have been assigned to each member from South Carolina, as foreshowing the future relative power of the white men of the two States in the government of the country. The States of the North and West will receive South Carolina and the other Rebel States as equals in political power and rights, whenever those States are controlled by loyal men; but they are enemies to justice, to equality, and to the peace of the country who demand the recognition of the Rebel States upon the unequal basis of the existing Constitution.

Of these enemies to justice, equality, and the peace of the country, the President is the leader and the chief; and as such leader and chief he is no longer entitled to support, confidence, or even personal respect. He has seized upon all the immense patronage of this government, and avowed his purpose to use it for the restoration of the Rebel States to authority, regardless of the rights of the people of the loyal States. He has thus become the ally of the Rebels, and the open enemy of the loyal white men of the country. The President, and those associated with him in this unholy project, cannot but know that the recognition of the ten disloyal States renders futile every attempt to equalize representation in Congress. The assent of three-fourths of the States is necessary to the ratification of an amendment to the Constitution. The fifteen old Slave States are largely interested in the present system, and they will not consent voluntarily to a

change. The question between the President and Congress is then this: Shall the ten States be at once recognized,—thus securing to the old Slave States thirty Representatives and thirty electoral votes to which they have no title; or shall they be required to accept, as a condition precedent, an amendment to the Constitution which provides an equal system of representation for the whole country? It is not enough, in the estimation of the President, that the loyal people should receive these enemies of the Union and murderers of their sons and brothers as equals, but he demands a recognition of their superiority and permanent rule in the government by a voluntary tender of an eighth of the entire representative force of the republic. When before were such terms ever exacted of the conqueror in behalf of the conquered? If the victorious North had demanded of the vanquished South a surrender of a part of its representative power in the government, as a penalty for its treason, that demand would have been sustained upon the principles of justice, although the proceeding would have been unwise as a measure of public policy. As it is, the victorious North only demands equality for itself, while it offers equality to the vanquished South. Was there ever a policy more just, wise, reasonable, and magnanimous?

Yet the President rejects this policy, deserts the loyal men of the North by whom he was elected, conspires with the traitors in the loyal States and the Rebels of the disloyal States for the humiliation, the degradation, the political enslavement of the loyal people of the country. And this is the second great conspiracy against liberty, against equality, against the peace of the country, against the permanence of the American Union; and of this conspiracy the President is the leader and the chief. Nor can he defend himself by saying that he desires to preserve the Constitution as it was, for he himself has been instrumental in securing an important alteration. "The Constitution as it was" has passed away, and by the aid of Mr. Johnson.

Nor can he say that he is opposed to exacting conditions precedent; for he made the ratification of the anti-slavery amendment a condition precedent to his own recognition of their existence as States clothed with authority. Thus is he wholly without proper excuse for his conduct. Nor can he assert that the Rebel States are, and ever have been, States of the Union, and always and ever entitled to representation and without conditions; for then is he guilty of impeachable offences in demanding of them the ratification of the constitutional amendment, in dictating a policy to the Southern States, in organizing provisional governments, in inaugurating constitutional conventions, in depriving officers elected or appointed by authority of those States of their offices, and, in fine, in assuming to himself supreme authority over that whole region of country for a long period of time. Thus his only defence of his present policy contains an admission that he has usurped power, that he has violated the Constitution, that he is guilty of offences for which he ought to be impeached. Thus do the suggestions which the President tenders as his defence furnish conclusive evidence that his conduct is wholly indefensible.

While then the President cannot defend his conduct, it is possible for others to explain it.

Its explanation may be found in some one or in several of the following propositions:

1. That the Rebel leaders have acquired a control over the President through the power of some circumstance not known to the public, which enables them to dictate a policy to him.

2. That he fears impeachment, and consequently directs all his efforts to secure more than a third of the Senate, so as to render a conviction impossible.

3. That he seeks a re-election, and purposes to make the South a unit in his favor, as the nucleus around which the Democratic party of the North must gather in 1868.

4. That he desires to reinstate the South as the controlling force in the government of the country.

In reference to the first proposition, we are restricted to the single remark, that it is not easy to imagine the Rebels capable of making any demand upon the Executive which, in his present state of mind, he would not be prepared to grant. He has pardoned many of the leaders and principal men of the rebellion, and some of them he has appointed to office. He has resisted every attempt on the part of Congress to furnish protection to the loyal men of the South; and he has witnessed and discussed the bloody horrors of Memphis and New Orleans with cold-blooded indifference. Early in his term of office he offered an immense reward for the person of Jefferson Davis; and now that the accused has been in the official custody of the President, as the head of the army, for more than fifteen months, he has neither proclaimed his innocence and set him at liberty, nor subjected him to trial according to the laws of the land. Davis is guilty of the crime of treason. Of this there can be no doubt. He is indicted in one judicial district. The President holds the prisoner by military authority; and the accused cannot be arraigned before the civil tribunals. Davis was charged by the President with complicity in the assassination of Mr. Lincoln. There is much evidence tending to sustain the charge; but the accused is neither subjected to trial by a military commission, nor turned over to the civil tribunals of the country. These acts are offences against justice; they are offences against the natural and legal rights of the accused, however guilty he may be; they are offences against the honor of the American people; they are acts in violation of the Constitution. If the elections of 1866 are favorable to the President, they will be followed by the release of Davis, and the country will see the end of this part of the plot.

Upon any view of the President's case, it is evident that he has thrown himself into the arms of the South, and that his personal and political fortunes are identified with Southern success in the coming contest. He claims to stand upon the Baltimore Platform of 1864, and to follow in the footsteps of President Lincoln. The enemies of President Lincoln are reconciled to this assumption, by the knowledge that Mr. Johnson's counsellers are the Seymours, Vallandigham, Voorhees, and the Woods. Mr.

Johnson, under these evil influences of opinion and counsel, has succeeded in producing a division of parties in this country corresponding substantially to the division which Demosthenes says existed in Greece when Philip was engaged in his machinations for the overthrow of the liberties of that country. "All Greece is now divided into two parties; — the one composed of those who desire neither to exercise nor to be subject to arbitrary power, but to enjoy the benefits of liberty, laws, and independence; the other, of those who, while they aim at an absolute command of their fellow-citizens, are themselves the vassals of another person, by whose means they hope to obtain their purposes."

The Republican party desires liberty, independence, and equal laws for all people; the Presidential party seeks to oppress the negro race, to degrade the white race of the North by depriving every man of his due share in the government of the country, and, finally, to subject all the interests of the Republic to the caprice, policy, and passions of its enemies.

The Presidential party is composed of traitors in the South who had the courage to fight, of traitors in the North who had not the courage or opportunity to assail their government, of a small number of persons who would follow the fortunes of any army if they could be permitted to glean the offal of the camp, and a yet smaller number who are led to believe that any system of adjustment is better than a continuance of the contest.

The Presidential party controls the patronage of the government; and it will be used without stint in aid of the scheme to which the President is devoted.

It only remains to be seen whether the courage, capacity, and virtue of the people are adequate to the task of overthrowing and crushing the conspiracy in its new form, and under the guidance of its new allies. The Republican party carries on the contest against heavy odds, and with the fortunes of the country staked upon the result.

One hundred and ninety-one men have been recognized as members of the present House of Representatives. There are fifty vacancies from the ten unrecognized States; consequently a full House contains two hundred and forty-one members. One hundred and twenty-one are a majority, — a quorum for business, if every State were represented. Of the present House, it is estimated that forty-six members are supporters of the President's policy. If to these we add the fifty members from the ten States, the Presidential party would number ninety-six, or twenty-five only less than a majority of a full House. No view can be taken of the present House of Representatives more favorable to the Republican party, — possibly the President's force should be increased to forty-eight men. It is worthy of observation that neither the Philadelphia Convention nor the President has breathed the hope that the Republicans can be deprived of a majority of the members from the loyal States. The scheme is to elect seventy-one or more men from the loyal States, and then resort to revolutionary proceedings for consummation of the plot. The practical question — the question on which the fortunes of the country depend — is, Will the people aid in the execution of the plot contrived for their own

ruin? Upon the face of things, we should say that it is highly improbable that the new party can make any important gains; indeed, it seems most improbable that the President can survive the effect of his own speeches. But we must remember that he is supported by the whole Democratic party, and that party cast a large vote in 1864, and that in 1862 the Republican majority in the House was reduced to about twenty.

In the Thirty-eighth Congress the Democratic party had ten or fifteen more votes than are now needed to secure the success of the present plot. To be sure, the elections of 1862 occurred at the darkest period of the war. The young men of the Republican party were in the army, and but a small number of them had an opportunity to vote. There was still hope that a peace could be made through the agency of the Democratic party. These circumstances were all unfavorable to the cause of the patriots.

The Democratic party is now weaker than ever before. Its identity with the Rebellion is better understood. The young men of the country, in the proportion of three to one, unite themselves with the Republican party As an organization, considered by itself, the Democratic party is utterly powerless and hopeless.

The defection of Mr. Johnson, however, inspires the leaders with fresh courage. It is possible for them to enjoy the patronage of the government for two years at least, and it is barely possible for them to secure the recognition of the ten Rebel States, or, in other equivalent words, the ten Democratic States, to the Union.

This combination is formidable; but its dangerous nature is due to the facts that Mr. Seward's name and means of influence are still powerful in the State of New York, and that he has joined himself to the new party, and become an instrument in the hands of designing men for the organization of another Rebellion. Outside of New York Mr. Johnson's gains in the elections will be so small that the Union majority will remain substantially as in the present Congress; nor can we conceive that the gains in that State will be adequate to the necessities of the conspirators. It is probable that the undertaking will prove a failure; but it should never be forgotten that the country is in peril; that it is in peril in consequence of the uncertain political character of the State of New York; and that that uncertain character is justly attributable to the conduct of Mr. Seward. If, then, Mr. Johnson succeed in the attempt to change the character of this government by setting aside the Congress of the loyal States, Mr. Seward will be responsible, equally with Mr. Johnson, for the crime.

Reverting to the statement already made, that neither Mr. Johnson nor any of his supporters can even hope to secure a majority of the members elected from the States represented in the present Congress, it only remains for us to consider more specifically the scheme of revolution and usurpation in which these desperate men are engaged. The necessary preliminary condition is the election of seventy-one members of Congress from the twenty-six States. To these will be added fifty persons from the ten unrepresented States, making one hundred and twenty-one, or a majority of Congress if all the States were represented. This accomplished, the way onward is comparatively easy.

When the Thirty-ninth Congress reassembles in December next, Mr. Johnson and his Cabinet may refuse to recognize its existence, or, recognizing it as a matter of form, deny its legitimate authority.

He would summon the members of the Fortieth Congress to assemble in extra session immediately after the 4th of March. Fifty persons would appear claiming seats as representatives from the ten States. The Republicans would deny their right to seats,—the supporters of the President would maintain it. The supporters of the President, aided directly or indirectly by the army and police, would take possession of the hall, remove the Clerk, and organize the assembly by force.

Whether this could be done without bloodshed in Washington and elsewhere in the North remains to be seen; but as far as relates to the organization of the House, there can be no doubt of the success of the undertaking. We should then see a united South, with the President at the head, and a divided North;—the army, the navy, the treasury, in the hands of the Rebels. This course is the necessity of Mr. Johnson's opinions and position. It is the natural result of the logic of the Rebels of the South, and of the Democratic party of the North. Mr. Johnson believes that the present Congress intends to impeach him and remove him from office. Admit that this fear is groundless, yet, if he entertains it, he will act as he would act if such were the purpose of the two Houses. Hence he must destroy the authority of Congress. Hence he arraigns its members as traitors. Hence he made the significant, revolutionary, and startling remark, in his reply to Reverdy Johnson as the organ of the Philadelphia Convention: "*We have seen hanging upon the verge of the government, as it were, a body called, or which assumed to be, the Congress of the United States, but in fact a Congress of only a part of the States.*" This is a distinct, specific denial of the right of Congress to exist, to act, to legislate for the country. It is an impeachment of all our public doings since the opening of the war,—of all our legislation since the departure of Davis and his associates from Washington. It is an admission of the doctrine of Secession; for if the departure of Davis and his associates rendered null and void the authority of Congress, then the government, and of course the Union, ceased to exist. The constitutional amendment abolishing slavery is void; the loan-acts and the tax-acts are without authority; every fine collected of an offender was robbery; and every penalty inflicted upon a criminal was itself a crime. The President may console himself with the reflection that upon these points he is fully supported by Alexander H. Stephens, late Vice-President of the so-called Confederacy.

We quote from the report of his examination before the Committee on Reconstruction.

"*Question.* Do you mean to be understood, in your last answer, that there is no constitutional power in the government, as at present organized, to exact conditions precedent to the restoration to political power of the eleven States that have been in rebellion?

"*Answer.* That is my opinion.

"*Question.* Assume that Congress shall, at this session, in the absence of Senators and Representatives from the eleven States, pass an act levying taxes upon all the people of the United States, including the eleven, is it your opinion that such an act would be constitutional?

"*Answer.* I should doubt if it would be. It would certainly, in my opinion, be manifestly unjust, and against all ideas of American representative government."

Thus it is seen that these two authorities concur in opinion; although it must be confessed that the late Vice-President of the so-called Confederate States in urbanity of manner and in the art of diplomacy far surpasses the late Vice-President (as Mr. Johnson, if his logic does not fail him, must soon say) of the so-called United States.

Having thus impeached the existing Congress and denied its authority, the way is clear for the organization of a Congress into which members from the ten States now excluded shall be admitted.

Representatives who do not concur in these proceedings will have only the alternative of taking seats among the usurpers, and thus recognizing their authority, or of absenting themselves and appealing to the people. The latter course would be war,—civil war, with all the powers of the government, for the time being, in the hands of the usurpers. The absenting members would be treated as Rebels, and any hostile organization would be regarded as treasonable. Thus would the Rebels be installed in power, and engaged in conducting a war against the people of the North and West.

If, on the other hand, the representatives from the West and North should deem it wiser to accept the condition, and await an opportunity to appeal to the country, how degrading and humiliating their condition! They might for a time endure it; but finally the people of the North would rise in their might, and renew the war with spirit and power, and prosecute it until the entire Rebel element of the country should be exterminated. The success of Mr. Johnson in the elections is then to be followed by a usurpation and civil war. It means this, or it means nothing. The incidents of the usurpation would be, first, that the old Slave States would secure thirty Representatives in Congress, and thirty electoral votes, or an eighth of the government, to which they have no title whatever unless the negroes should be enfranchised, of which there would be then no probability; and, secondly, that two white men in the South would possess the political power of three white men in the North. The results of the usurpation would be strife and civil war in the North, and, finally, the overthrow of the usurpers by force, to be followed, possibly, by an exterminating war against the Rebel population of the South.

Already has one of Mr. Johnson's agents announced the usurpation in substance, and tendered to the country a defence in advance of the commission of the crime. The defence is simple and logical. Congress refuses to receive the members from ten States. Those States have the same immediate right of representation as the other States. Congress is, therefore, a revolutionary body. Any proceeding which secures the right of all

the States to be represented immediately is a constitutional proceeding. This is intelligible. Alexander H. Stephens is the author of this cardinal doctrine of the Presidential party. On the other hand, Congress maintains that enemies vanquished in war, though formerly citizens and equals, cannot dictate the terms of adjustment; nor even enjoy the privileges of a constitution which they have violated and sought to destroy, without a compliance with those terms which the loyal people may deem essential to the public safety.

The issue is well defined. Shall the Union be restored by usurpation, with its attendant political inequality and personal injustice to loyal people, and consequent civil war, or by first securing essential guaranties for the future peace of the country, and then accepting the States recently in rebellion as equals, and the people of those States as friends and citizens with us of a common country?

The question is not whether the Union shall be restored: the Republican party contemplates and seeks this result. But the question is, shall the Union be restored by usurpation,—by a policy dictated by the Rebels, and fraught with all the evils of civil war? The seizure of the government in the manner contemplated by Johnson and his associates destroys at once the public credit, renders the public securities worthless for the time, overthrows the banking system, bankrupts the trading class, prostrates the laborers, and ends, finally, in general financial, industrial, and social disorder.

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